

ELECTION AND REMARKS

In the Office Action, the Examiner required restriction under 35 U.S.C. § 121 to one of the following six (6) proposed Groups (as characterized by the Examiner):

- I. Claims 1-38 and 53, drawn to a modular multiplier circuitry, not classified by either class or subclass.
- II. Claims 39 and 40, drawn to increasing computation speed of a radix 2^N Montgomery multiplication where $N > 1$, not classified by either class or subclass.
- III. Claims 41-44, drawn to reducing power computation of a radix 2^N Montgomery multiplication where $N \geq 1$, not classified by either class or subclass.
- IV. Claims 45-47, drawn to reducing power computation of a radix 2^N Montgomery multiplication where $N > 1$, not classified by either class or subclass.
- V. Claims 48-50, drawn to reducing power computation of a radix 2^N Montgomery multiplication where $N \geq 1$, not classified by either class or subclass.
- VI. Claims 51 and 52, drawn to reducing power computation of a radix modulus recorder, not classified by either class or subclass.

In response to the restriction requirement, Applicant provisionally elects, with traverse, to prosecute Group I, including claims 1-38 and 53. Applicant specifically reserves the right to file one or more divisional applications directed to non-elected Groups II-VI, including claims 39-52.

Initially, Applicant notes that the Examiner has confused the terms “consumption” and “computation” in the description of proposed Groups III-VI. Applicants also note the conspicuous absence of classification and subclassification information for all of the proposed Groups.

Additionally, Applicant notes that the rationale used by the Examiner to support the Restriction Requirement states: “Inventions I, II, III, IV, V, and VI are related as subcombinations disclosed as usable together in a single combination.” This rationale is discussed in MPEP 806.05(d), which goes on to state: “Furthermore, restriction is only proper when there would be a serious burden if restriction were not required, as evidenced by separate classification, status, or field of search” (emphases added). Because the Examiner has offered no such evidence, the Restriction Requirement is improper and should be withdrawn.

Finally, Applicant notes that, according to MPEP 803, there are two criteria for a proper requirement for restriction: (1) the inventions should be independent or distinct; and (2) there must be a serious burden on the Examiner if restriction is required. Additionally, Applicant notes that the same section of the MPEP states: “If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions” (emphasis added).

Applicant respectfully submits that the subject matter of claims 1-53 is sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of the remaining groups. Thus, it is respectfully submitted that the search and examination of the entire application can be performed without serious burden.

Therefore, it is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicated examination by the U.S. Patent and Trademark Office ("USPTO").

For all of the reasons stated above, reconsideration and withdrawal of the outstanding restriction requirement, and favorable allowance of all claims in the present application, is earnestly solicited.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned at 703.668.8026 (direct).

If necessary, the Director of the USPTO is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. § 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,
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By: _____

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